

Decision **DRAFT DECISION OF ALJ WONG** (Mailed 7/23/2002)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the
Commission's Proposed Policies Governing
Restructuring California's Electric Services
Industry and Reforming Regulation.

Rulemaking 94-04-031
(Filed April 20, 1994)

Order Instituting Investigation on the
Commission's Proposed Policies Governing
Restructuring California's Electric Services
Industry and Reforming Regulation.

Investigation 94-04-032
(Filed April 20, 1994)

**OPINION FURTHER EXTENDING CERTAIN
MONTHLY REPORTING REQUIREMENTS****1. Summary**

In Decision (D.) 00-12-036, the Commission extended two reporting requirements that the utility distribution companies (UDCs) are to make to the Commission's Energy Division. These reports contain information about: (1) direct access implementation activities; and (2) which entities are installing direct access meters and which entities are providing electricity billing services. D.00-12-036 provides that these reporting requirements are to terminate with the reports ending for the month of September 30, 2002, unless further extended by the Commission.

Today's decision extends the reporting requirement for these two monthly reports for two additional years, i.e., through the month ending September 30, 2004, unless further extended by the Commission.

2. Background

In D.97-05-040, the Commission directed the UDCs to submit monthly reports beginning on November 15, 1997, to the Director of the Energy Division and to other interested parties, regarding their direct access implementation activities for the prior month. Originally, this reporting requirement was to have terminated with the report ending for the month of June 30, 1999. (D.97-05-040, Ordering Par. 5.e.(5), p. 93.) The Commission's Energy Division requested that this requirement be extended, and in D.99-05-034, the Commission extended the reporting requirement to terminate with the report ending for the month of December 31, 2000. The Commission also allowed the Energy Division to collect additional information in these monthly reports. (D.99-05-034, Ordering Par. 14, p. 140.)

In D.99-05-034, the Commission also adopted a requirement that the UDCs provide information about which entities are installing direct access meters, and which entities are billing for electrical services. This monthly information is provided in a format agreeable to the Energy Division, and the reporting requirement is to terminate with the activities ending for the month of December 31, 2000, unless extended by the Commission. (D.99-05-034, pp. 107-108; Ordering Par. 16, p. 141.)

In D.00-12-036, the Commission extended both reporting requirements through the reports ending for the month of September 30, 2002.

The Energy Division has requested that both reporting requirements, as described above, be extended. A ruling seeking comments on whether these two reporting requirements should be extended or not was mailed on July 10, 2002. Three comments were filed. The California Energy Commission supports the extension of the reporting requirements because of the type of information that is

provided. The comments of Southern California Edison Company does not oppose the extension. Pacific Gas and Electric Company (PG&E) recommends that the monthly reporting requirements not be extended.

3. Discussion

Unless extended by the Commission, both of these reporting requirements are to terminate with the reports ending for month of September 30, 2002. Much has changed since these reporting requirements were first instituted and then extended. During that time, we have experienced the implementation of direct access, the energy crisis and out-of-control electricity prices, the procurement of power by the California Department of Water Resources, and the prohibition against direct access by new customers.

Due to the suspension of direct access, PG&E does not believe that it is justified to continue the monthly reporting requirements. With the suspension of direct access, PG&E expects that the number of direct access service requests, and the number of requests to install meters will decline. If the Energy Division needs information on direct access, PG&E recommends that the utilities be directed to respond to reasonable periodic requests by the Energy Division.

Although PG&E's expectation that direct access service requests and direct access meter installations are likely to decline, these monthly reports continue to provide the Commission with valuable data about the number of customers participating in the direct access market, the installation of direct access meters, and which company is performing the billing of electricity services. The Energy Division's request to continue these reporting requirements should be granted. Accordingly, we shall extend the requirement that the UDCs continue submitting the monthly report on their respective direct access implementation activities through the month ending September 30, 2004, unless further extended by the

Commission. The UDCs shall continue to report the information in the format requested by the Energy Division. We shall also extend the UDC reporting requirement regarding which entities are installing direct access meters and which entities are performing the billing of electricity, in the format requested by the Energy Division, through the month ending September 30, 2004, unless further extended by the Commission.

4. Comments on Draft Decision

Public Utilities Code Section 311(g)(1) generally requires that the draft decision be served on all parties, and be subject to at least 30 days of public review and comment prior to a vote of the Commission. The draft decision was mailed to the parties on July 23, 2002. In accordance with Rule 77.2, interested parties may file comments on the draft decision within 20 days of its date of mailing. Replies to comments may be filed five days after the comments are filed.

Findings of Fact

1. In D.97-05-040, the UDCs were directed to submit monthly reports to the Director of the Energy Division and to other interested parties, regarding their direct access implementation activities.
2. The direct access implementation activity reporting requirement was extended in D.99-05-034 to terminate with the report ending for the month of December 31, 2000, unless further extended by the Commission.
3. D.99-05-034 also imposed upon the UDCs a requirement that they report on which entities are installing direct access meters, and which entities are billing for electricity.
4. In D.00-12-036, both reporting requirements were extended through the reports ending for the month of September 30, 2002.

5. The Energy Division has requested that both of the reporting requirements be extended.

6. These monthly reports provide the Commission with valuable data about the number of customers participating in direct access, the installation of direct access meters, and which company is billing electricity services.

Conclusions of Law

1. The requirement for the monthly reporting of direct access implementation activities should be extended through the month ending September 30, 2004, unless further extended by the Commission.

2. The requirement for the monthly reporting of which entities are installing direct access meters, and which entities are performing the billing of electricity should be extended through the month ending September 30, 2004, unless further extended by the Commission.

O R D E R

IT IS ORDERED that:

1. The reporting requirement regarding the direct access implementation activities for each month, as directed in Decision (D.) 97-05-040, and as modified by D.99-05-034 and extended by D.00-12-036, shall continue as provided below:

- (a) The utility distribution companies (UDCs) shall continue to submit to the Director of the Energy Division, and to other interested parties, a monthly report containing the information described in D.97-05-040 in the format directed by the Energy Division.
- (b) Unless further extended by the Commission, this reporting requirement shall terminate with the report ending for the month of September 30, 2004.

2. The reporting requirement covering which entities are installing direct access meters, and which entities are doing the billing of electrical services, as directed in D.99-05-034 and as extended in D.00-12-036, shall continue as provided below:

- (a) The UDCs shall continue to submit to the Energy Division a monthly report containing the information described in D.99-05-034 in the format directed by the Energy Division.
- (b) Unless further extended by the Commission, this reporting requirement shall terminate with the report ending for the month of September 30, 2004.

This order is effective today.

Dated _____, at San Francisco, California.